

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Public Services- A.P. Secretariat Services Rules and Secretariat Subordinate Services Rules – Providing promotion channel to the category of Section Officers from the feeder categories of Assistant Section Officers and Senior Stenographers/ Special Category Stenographers– Certain amendments – Orders – Issued.

GENERAL ADMINISTRATION (SER.B) DEPARTMENT

G.O.Ms.No. 33

Dated: 19.01.2010

Read the following:-

1. G.O.Ms.No.445, G.A (Ser. B) Dept. Dated 29.10.1998
2. G.O.Ms.No.455, G.A (Ser. B) Dept. Dated 31.10.1997
3. G.O.Ms.No 555, G .A. (Ser. B) Dept., Dt. 30.08.2008.
4. G.O.Ms.No.65, G.A.(Ser. B)Department, dated 13.2.2009.
5. Representation received from A.P. Secretariat Association and A.P. Secretariat Assistant Section Officers Association dated 11.9.2009 and 09.09.2009.
6. From the Secy.,A.P.P.S.C. Lr.No.1443/RR/09, dated: 12.01.2010.

ORDER:

While interpreting the Andhra Pradesh Secretariat Service Rules regarding filling up of the post of Assistant Secretaries to Government from the feeder category of Section Officers and Private Secretaries to Secretary to Government, the Supreme Court in SLP No.17064/2006, dt.24.04.2008 held as follows:-

*“We have no doubt in our mind that before a rule is declared ultra vires, the same must be held to be wholly arbitrary or irrational. In any event a plea of discrimination is based on adequate pleadings therefore would be essential. What, however, must be noticed by us is that the impugned rule does not take into consideration the events which may take place in future, as for example increase in the strength in the cadre. If the number of posts for promotion is limited to 10, even in a case like the present one where the number of posts has gone up, only 10 posts can be filled up from the cadre of the PSs although the same would contravene the ratio of 14:1. **If the Government intends to change the ratio, it may do so. It may also provide for separate rules providing for maintenance of two different cadres at all levels.** But what is impermissible is laying down a condition subsequent to adoption of a policy decision which defeats the object and purport thereof.*

A statutory rule, it is a trite law, must be made in consonance with constitutional scheme.

A rule must not be arbitrary. It must be reasonable, be it substantive or a subordinate legislation. The Legislature, it is presumed, would be a reasonable one. Indisputably, the subordinate legislation may reflect the experience of the Rule maker, but the same must be capable of being taken to a logical conclusion.

Applying the said principle, we are of the opinion that the impugned Government Orders cannot be sustained. They are set aside accordingly.”

2. Government constituted an Officers Committee to look into the matter of channel of promotion between the Private Secretaries to Secretary to Government and the Section Officers in A.P. Secretariat Services. Based on the recommendations of Officers Committee orders were issued in G.O.Ms.No.555,G.A.(Ser.B)Department,dated30.8.2008 on promotional channel for the certain Private Secretaries to Secretaries to Government and Section Officers at para 6 (12) of said G.O. It is stated that the persons in the category of Senior Stenos shall be allowed conversion to the post Assistant Section Officer by taking option. Once the conversion is allowed, such person's seniority in the category of Assistant Section Officer shall be based on the date of regularization of respective persons in respective categories. In case, a Senior Stenographer desires not to opt, such a person shall be allowed to be promoted subject to eligibility to the category of Private Secretary to Secretary to Government only. Later on certain amendments were issued to para 6 (12) of G.O.Ms.No.555, G.A(Ser.B)Department. Date.30.8.2008 vide G.O.Ms.No.65, G.A. (Ser. B) Department, 13.2.2009 as follows:-

“12(a)the Senior Stenographers may be allowed conversion to the post of Assistant Section Officer at their option and their seniority after conversion shall be determined from their date of appointment to the initial category post ie., if they were appointed in the post of Junior Steno / Typist-cum-Assistant and promoted to the post of Senior Steno, the date of regularization in the post of Junior Steno / Typist-cum-Assistant will be taken to fix the inter-se-seniority in the category of Typist-cum-Assistants / Junior Stenos and that date shall be considered for promotion to higher categories, such as Assistant Section Officer / Section Officer and so on. Provided that the seniority of Assistant Section Officers / Section Officers who are already promoted shall be protected.

b) The Senior Stenos who have not opted as above and the existing Special Category Stenos shall be allowed further promotions upto Additional Secretary to Government as per their seniority and eligibility in the channel earmarked for Private Secretaries to Secretary to Government.”

3. The Secretariat Employees Association have submitted the representations objecting the orders issued in G.O.Ms.No.65,G.A.(Ser. B)Department, dated13.2.2009,stating that the Senior Stenographers will get undue advantage on their conversion as Assistant Section Officer. It is considered necessary to reexamine the issue of the channel of promotion to the post of Section Officer.

4. After careful examination of the issue, Government decided to allot the fixed cadre strength of **7(seven)** posts of Section Officers for promotion from the category of Senior Stenographer/ Special Category Stenographer and to omit the existing rule relating to appointment by transfer/conversion of Senior Stenographers to the post of Assistant Section Officer. After appointment by promotion to the post of Section Officer, further promotions will be considered from the channel of Section Officer Category as per the allotment of the posts in higher categories in accordance with G.O.Ms. No.555, G.A.(Ser-B) Dept, Dated: 30.08.2008.

5. The Senior Stenographer/Special Category Stenographer may opt for promotion to the post of Section Officer within the fixed cadre strength of the Seven (7) posts of Section Officers. The channel of promotion from Senior Stenographer will be for the post of Special Category Stenographer and later on to the Private Secretaries to Secretary to Government will continue. The promotion to the post of Section Officer will be based on the Seniority in the post of Special Category Stenographer/ Senior Stenographer with reference to their date of regularization in the respective categories.

6. Consequently, the orders issued in G.O.Ms.No.65 G.A(Ser. B) Department, dated 13.2.2009 are hereby cancelled.

7. Government decided to amend the A.P. Secretariat Service Rules and also A. P. Secretariat Subordinate Service Rules suitably.

8. The following notifications will be published in the Andhra Pradesh Gazette.

NOTIFICATION-I

In exercise of the powers conferred by proviso to article 309 of the constitution of India the Governor of Andhra Pradesh hereby make the following amendments to the Andhra Pradesh Secretariat Service Rules vide in G.O.Ms.No.445,G.A(Ser.B)Department, dated 29th October, 1998 as subsequently amended.

AMENDMENTS

In rule 3 of the said rules, in the table for entries in column (2) and (3) of category 7 (c) of Class-B, the following shall be substituted, namely:-

Category (2)	Method of appointment (3)
Section Officer (A)	(i) By appointment by transfer of Assistant Section Officers in Single Unit in the Departments of Secretariat other than Law and Finance Departments. (ii) By appointment by transfer of Superintendents in the Andhra Pradesh Ministerial Service working in the Offices of Heads of Departments and Directorates, other than those under the administrative control of Law and Finance Departments.
Section Officer (B)	“ By appointment by transfer of Special Category Stenographers/ Senior Stenographers with in a fixed cadre strength of 7 (Seven) posts”

NOTIFICATION –II

In exercise of the powers conferred by proviso to article 309 of the constitution of India the Governor of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Secretariat Subordinate Service Rules, 1997 vide G.O.Ms.No.455, G.A(Ser.B)Department dated 31st October, 1997 as subsequently amended.

AMENDMENTS

In Rule 4 of the said rules :-

- (1) In the table in column (2)
 - (i) entry (vi) against category (4) of Class-B shall be omitted.
 - (ii) entry (vii) against category (4) of Class-B shall be re-numbered as (vi),
- (2) In the explanation under note (2) (b)
 - (i) item (i) and clause (a) of item (ii) shall be omitted.
 - (ii) Clauses (b) and (c) of item (ii) shall be re-numbered as clause (a) and (b)
 - (iii) item (ii), (iii) and (iv) shall be re-numbered as item (i), (ii) and (iii) respectively.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Y .SRILAKSHMI
SECRETARY TO GOVERNMENT (SERVICES)**

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SECTION OFFICER